

DOCKET NO. LLI CV-17-6015399 :SUPERIOR COURT

COMMUNITY HEALTH & WELLNESS
CENTER OF GREATER TORRINGTON: JUDICIAL DISTRICT OF LITCHFIELD

V. :AT LITCHFIELD

WINCHESTER PLANNING AND
ZONING COMMISSION :JULY 14, 2017

ANSWER

1. Defendant admits Plaintiff has a location at the Winsted Health Center, 115
Spencer Street, Winsted, Connecticut.
2. Admit.
3. Admit.
4. Defendant has insufficient knowledge or information upon which to form a
belief, and therefore leaves Plaintiff to its proof.
5. Defendant has insufficient knowledge or information upon which to form a
belief, and therefore leaves Plaintiff to its proof. Any activity of the Plaintiff in
Torrington, Connecticut is immaterial to the current appeal.
6. Defendant has insufficient knowledge or information upon which to form a
belief, and therefore leaves Plaintiff to its proof.

7. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
8. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
9. Defendant admits Plaintiff believes, and made it known to Defendant, that its location at the Winsted Health Center is inadequate for its future needs .
10. Admit that Plaintiff had expressed its intention to leave its current location at the Winsted Health Center.
11. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
12. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof. Defendant admits Plaintiff expressed an intention to leave the Winsted Health Center.
13. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
14. Admit.
15. Denied. On information and believe, Mr. Dwan initiated the discussion on a co-op grocery store renting his premises.

16. Defendant admits there is such a co-op committee consisting of numerous Town residents and Town officials.
17. Denied. Mr. Dwan sought out persons to form a co-op to rent the premises. Defendant does admit Plaintiff investigated other properties as an alternate to the Winsted Health Center.
18. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
19. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
20. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.
21. Admit.
22. Admit.
23. Admit as to other business as described. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof as to the balance.
24. Admit.
25. The application is part of the record and speaks for itself.

26. The application is part of the record and speaks for itself
27. The application is part of the record and speaks for itself
28. The application is part of the record and speaks for itself
29. The application is part of the record and speaks for itself
30. Admit.
31. The report is part of the record and speaks for itself.
32. The transcript of the hearing is part of the record and speaks for itself.
33. The transcript of the hearing is part of the record and speaks for itself.
34. The transcript of the hearing is part of the record and speaks for itself.
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36. The report is part of the record and speaks for itself.
37. The report is part of the record and speaks for itself.
38. The report is part of the record and speaks for itself.
39. The report is part of the record and speaks for itself.
40. The study is part of the record and speaks for itself.
41. The transcript is part of the record and speaks for itself.
42. The regulations are part of the record and speaks for itself.

43. This paragraph is a legal argument and not a proper factual pleading. C.P. B. §10-1.

44. The Plan of Conservation Development is a part of the record and speaks for itself.

45. Denied.

46. The Plan of Conservation Development is a part of the record and speaks for itself.

47. Denied.

48. The transcript is part of the record and speaks for itself.

49. The transcript is part of the record and speaks for itself.

50. The transcript is part of the record and speaks for itself.

51. The transcript is part of the record and speaks for itself.

52. The transcript is part of the record and speaks for itself.

53. This paragraph includes information not in the record and should be disregarded by the Court.

54. The transcript is part of the record and speaks for itself.

55. The transcript is part of the record and speaks for itself.

56. Admit.

57. The transcript is part of the record and speaks for itself.

58. Denied.

59. Admit.

60. Denied, Defendant believes Plaintiff or its agent knew of the facts supporting its "conflict of interest" prior to the public hearing.

61. The Statute speaks for itself.

62. This paragraph is a legal argument and not a proper factual pleading. C.P.B. §10-1.

63. Denied. Plaintiff is a tenant of the WHC but no lease currently exists. Plaintiff has indicated and the WHC has concurred that Plaintiff is not remaining at the WHC and will not be investing any grant money in the facility.

64. Denied.

65. The transcript is part of the record and speaks for itself.

66. Denied. Mr. Melycher and Ms. Wilkes are not members of the Board of Trustees. Mr. Closson has been a member of the Board of Trustees and a Corporator for approximately two years.

67. Denied.

68. Denied that Mr. Thomsen has a legal conflict of interest.

69. Admit Ms. Lavoie was a statutory agent. Deny Ms. Lavoie has any other involvement with the Winsted Health Center.

70. Denied.

71. Denied.

72. Denied.

73. This paragraph concerns actions arising after the decision of the Defendant was made and published. Since it is not part of the record of evidence relied upon by the Defendant in its decision making process, it is improper and should be disregarded by the Court.

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76. Denied.

77. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.

78. Defendant has insufficient knowledge or information upon which to form a belief, and therefore leaves Plaintiff to its proof.

FIRST SPECIAL DEFENSE

Any conflict of interest that may have existed was known to the Plaintiff prior to the application and therefore should have been raised prior to the Defendant rendering its decision.

SECOND SPECIAL DEFENSE

Plaintiff's appeal contains allegations not part of the record, as well as legal arguments. Such allegations or legal arguments should be disregarded by the Court.

DEFENDANT

By 

Kevin F. Nelligan, Its Attorney

CERTIFICATION

I hereby certify that a copy of the foregoing was mailed, postage prepaid on this
14th day of July, 2017 to:

Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103-1919



Kevin F. Nelligan